

Appl. No.: 10/500,808

(U.S. National Stage of PCT/JP03/00202)

Amdt. Dated August 24, 2005

Response to Office Action Mailed May 25, 2005

REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application.

The claim amendment above is made solely to address the 35 USC 112, 2d paragraph rejection. The amendment clarifies that the holder is movable in the clincher unit through press contact between the guide surface and the leg of the staple when the leg is guided along the guide surface.


With regard to the rejection of claims 1-3 and 6 under 35 USC 102(b), it is respectfully submitted that the cited reference, *Akizawa et al.*, U.S. Patent No. 5,009,355, does not teach or suggest that the holder is movable in the clincher unit. The Examiner states, on page 2 of the Office action, that the holder defined in claim 1 of the present application is equivalent to the members having reference numbers 36 and 37 in *Akizawa et al.* At column 8, lines 51 to 64 of *Akizawa et al.*, it is clearly described that staple folding means B1 comprises a first stationary wall member 36 and a second stationary wall member 37, and the two pairs of first and second stationary wall members 36 and 37 are fixedly mounted on side walls 39 of the stapler base 1, respectively (see Figs. 2 and 6 of *Akizawa et al.*). Therefore, the holder disclosed in *Akizawa et al.* is not configured to be moveable in the clincher unit, particularly through press contact between the guide surface and the leg of the staple when the leg is guided along the guide surface. Thus, *Akizawa et al.* neither anticipates the claimed invention nor even teaches or suggests the invention as claimed.

It is respectfully submitted that the application is in condition for prompt allowance and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

Authorization is hereby provided to charge any fees associated with this communication, including any outstanding fees for any necessary extension of time, hereby requested, or to credit any overpayment, to Deposit Account No. 50-0305 of Chapman and Cutler LLP.

The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

Respectfully submitted,

By: 
Jane S. Berman, Reg. No. 43,494

Date: August 24, 2005
Attorneys for Applicant(s):
Jane S. Berman
CHAPMAN AND CUTLER LLP
111 West Monroe Street, 16th Floor
Chicago, Illinois 60603-4080
Telephone: 312-845-3919

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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I hereby certify that the attached correspondence, namely: Response to Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 

Typed Name of Person Signing this Certificate: Jane S. Berman, Reg. No. 43,494

Date of Signature: August 24, 2005